

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ANDREW L. LICHTENBERG,

CV. 10-478-ST

Plaintiff,

ORDER TO TRANSFER

v.

UNITED STATES OF AMERICA,

Defendant.

STEWART, Magistrate Judge.

Plaintiff, an inmate at FCI-Sheridan, filed this prisoner civil rights action on April 26, 2010. In his Complaint, plaintiff alleges that he was deprived of proper medical care during his incarceration at FDC-Honolulu between October 29, 2005 and January 11, 2008. According to the Complaint, plaintiff noticed large lumps on his upper jaw, neck, and groin seven months before his transfer from FDC-Honolulu to FCI-Sheridan, but medical personnel at FDC-Honolulu failed to provide him with any medical attention.

After plaintiff arrived at FCI-Sheridan, he was given a biopsy and a cat scan which resulted in a diagnosis of non-Hodgkins lymphoma, Stage-3. Plaintiff believes that the cumulative effect of the conditions and inadequate medical care imposed upon him within the Bureau of Prisons resulted in his current condition. He seeks \$45,000,000 from the United States of America, currently the sole named defendant in this case.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

In this case, plaintiff does not bring suit against any specific Oregon resident, and a substantial part of the events giving rise to this lawsuit occurred in District of Hawaii. Accordingly, the court finds that it is in the interests of justice to transfer this case to the District of Hawaii. See 28 U.S.C. § 1406(a) (In the interests of justice, a federal court may transfer a case filed in an improper district to the correct district).

CONCLUSION

The Clerk of Court is DIRECTED to transfer this case to the District Court for the District of Hawaii.

IT IS SO ORDERED.

DATED this 8th day of June, 2010.

/s/ Janice M. Stewart
Janice M. Stewart
United States Magistrate Judge